

**REMARKS/ARGUMENTS**

This responds to the office action mailed on August 24, 2004. Claims 1-17 are pending in the present application. Claims 7-17 are withdrawn from consideration. Claims 1-6 are rejected. Reconsideration and allowance of the claims is respectfully requested in view of the following remarks.

**The 35 U.S.C. §102(e) Rejections**

The Examiner rejected claims 1-6 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,388,399 to Eckel et al. (Eckel).

Eckel discloses an electrical control system that includes various electrical devices that have the capability to communicate over a network. The various electrical devices include sensors, transducer functions, switching devices, dimming devices and controlling devices. The devices communicate with one another over a network that may be implemented using one or more different types of media. Col. 2, lines 17-24. The system is particularly suited for lighting control and load switching/dimming applications, including but not limited to, providing a means to control the lights and/or other electrical loads within an office, building, room or home by means of motion detection, ambient light sensing, switching functions, dimming functions, temperature sensing functions and humidity sensing functions. Col. 2, lines 32-39.

Claim 1 recites:

A brightness controlling apparatus, comprising:  
an evaluator for detecting a feature of a certain window displayed on a screen of a display unit; and  
a display controller for controlling the brightness of said screen of said display unit according to said feature of said window, detected by said evaluator.

The Examiner cites Figures 1-16 of Eckel and col. 9., lines 1-67. Although col. 9, lines 1-67 generally discusses the invention of Eckel, including the network 30 of Figure 2, Applicant is unable to locate any portion of the cited material, or of Eckel as a whole, that recites the elements of claim 1. Although Eckel discloses an electrical control system for lighting control applications to control lights having a dimming function, and may thereby be related to a brightness controlling apparatus, Applicant fails to see any similarity beyond that point.

Applicant respectfully asserts that the Examiner has not met his burden of proof under §102 and MPEP 2131, namely that each and every element as set forth in the claim must be found, either expressly or inherently described, in a single prior art reference. Applicant respectfully requests that if the Examiner maintains the rejection that the Examiner point out with more particularity where and how Eckel describes the elements of claim 1.

Claim 1 is an independent claim and is in condition for allowance. Because the secondary references stand or fall with the primary references, claims are allowable because they are dependent upon the allowable independent claims. Claims 2-6 depend from claim 1 and are therefore in condition for allowance.


Accordingly Applicant respectfully requests reconsideration and allowance of claims 1-6 as now presented.

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,  
SAWYER LAW GROUP LLP

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Date

  
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